U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 1 3 2003

DOT-E 13196
(SECOND REVISION)

EXPIRATION DATE: January 31, 2004

1. GRANTEE: McLane Company, Inc.
Temple, TX

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of cigarette lighters in certain non-DOT specification outer packagings. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.102(c)(4) Special Provision N10 in that a non-specification outer packaging is not authorized, except as provided herein.

5. BASIS: This emergency exemption is based on the application of McLane Company, Inc. dated January 21, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss and additional information dated May 20, 2003 and August 31, 2003.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Lighters *cigarettes, containing flammable gas*	2.1	UN1057	N/A

7. SAFETY CONTROL MEASURE:

a. PACKAGING - Prescribed packaging system having an inner and outer packaging is as follows:

(1) Outer packagings are reusable, injection molded, high density polyethylene containers manufactured by Buckhorn, model numbers: AR20120702, AR21150902, AR21151202, AR27171202 and AR24201202, that meet the performance criteria for packing group II but are not marked and certified to a UN standard.

(2) Inner packagings consist of various designs of cigarette lighters and their inner packagings approved by the Associate Administrator for Hazardous Materials Safety.

b. OPERATIONAL CONTROLS - No more than 300 inner packagings may be shipped in any outer packaging.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. Each outer container must be plainly and durably marked "DOT-E 13196" as specified § 172.301(c). Additionally, each outer packaging must be marked with the approval number as specified in § 172.102(c)(4) Special Provision N10.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Transportation is limited to private carriage.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

AUG 1 3 2003

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: DLaValle/DBurger/sln

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Heritage's Wholesale, Inc. Thorofare, NJ	Aug 11, 2003	AUG 1 3 2003	Jan 31, 2004

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety